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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/584,676	05/31/2000	John J. Curro	7897R	2677

27752 7590 09/23/2004

THE PROCTER & GAMBLE COMPANY
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EXAMINER

PIERCE, JEREMY R

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/584,676

Applicant(s)

CURRO ET AL.

Examiner

Jeremy R. Pierce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-21 and 23-31 is/are pending in the application.
- 4a) Of the above claim(s) 10-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21 and 23-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on June 24, 2004 has been entered. Claims 21 and 23 have been amended. Claims 10-21 and 23-31 remain pending, with claims 10-20 withdrawn from consideration.

Drawings

2. The drawings were received on April 22, 2004 are accepted by the Examiner. These drawings, along with the amendment to the specification, overcome the objections set forth in sections 2-5 of the last Office Action.

Terminal Disclaimer

3. The terminal disclaimer filed on April 22, 2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of co-pending Patent Application Nos. 09/467,938; 09/886,730; 09/886,740; 09/886,828; 09/886,829; 09/886,830; 09/886,831; and 09/886,893 has been reviewed and is accepted. The terminal disclaimer has been recorded and renders moot the double patenting rejections set forth in sections 7-14 of the last Office Action.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 21 and 23-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan et al. (U.S. Patent No. 5,830,555) in view of Shimalla (U.S. Patent No. 4,588,630) and Abuto et al. (U.S. Patent No. 5,804,021) as set forth in section 15 of the last Office Action.

Regarding the new limitation that the laminate web has distinct regions being differentiated by at least one property, Srinivasan et al., Shimalla, and Abuto et al. all disclose laminate webs having distinct regions differentiated by basis weight and density because all disclose apertures in the web (see Figures 3-12 in Srinivasan et al.). These apertures represent distinct regions of lower basis weight and density.

Srinivasan et al. teach a composite web comprising nonwoven webs of carded thermoplastic staple fibers thermally bonded to opposing sides of polymeric sheet (column 1, lines 58-68). Application of heat and pressure at spots in the calendar roll causes the thermoplastic material of the fibers and the elastomeric material of the film to melt, forming an aperture in the composite where the fibers of the carded webs become fused to one another (column 7, lines 25-27). Srinivasan et al. do not teach the aspect ratio of the bond sites. However, Srinivasan et al. do disclose the apertured areas can be tailored with any required open area by modifying the type of calendar roll used and other processing conditions (column 8, lines 7-12). Shimalla discloses apertures

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formed in fused areas of nonwoven webs used for absorbent products (Abstract).

Shimalla teaches the aspect ratio of the fused areas is a result effective variable that alters the characteristics of the resulting apertures (column 6, lines 13-21). It would have been obvious to a person having ordinary skill in the art at the time of the invention to form bond areas with an aspect ratio greater than 3, such as 10 (Applicant's claims 26, 27, 30, and 31) in the composite material of Srinivasan et al. in order to optimize the resulting apertures for the intended use, as taught by Shimalla, since it has been held that discovering the optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980). Srinivasan et al. also do not teach the first and second webs to be prebonded. Abuto et al. also disclose a three layer elastic composite material for use in absorbent articles (Abstract). Abuto et al. disclose that the facing layers of carded webs that are bonded work particularly well (column 7, lines 34-36). It would have been obvious to a person having ordinary skill in the art at the time of the invention to use carded webs that are prebonded in the composite of Srinivasan et al. as taught by Abuto et al. in order to create a stronger composite material.

Response to Arguments

6. Applicant's arguments filed June 24, 2004 have been fully considered but they are not persuasive.

7. Applicant argues that Srinivasan et al., Shimalla, and Abuto et al. do not teach webs having distinct regions with different properties. However, all references teach

webs with apertures. These apertures represent distinct regions of the web with different properties than the fibrous areas of the web. Therefore, the rejection is maintained.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy R. Pierce whose telephone number is (571) 272-1479. The examiner can normally be reached on Monday-Thursday 7-4:30 and alternate Fridays 7-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JRP

JRP

September 18, 2004

Elizabeth M. Cole
ELIZABETH M. COLE
PRIMARY EXAMINER